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Measures to prevent terrorists from acquiring weapons of mass destruction

Report of the Secretary-General

Addendum**

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* A/66/150.

** The information contained in the addendum was received after the submission of the main report.

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Cuba

[Original: Spanish]
[7 June 2011]

Cuba reiterates its position of principle with regard to international terrorism and condemns all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed and irrespective of the motives, and condemns outright all acts or actions, irrespective of their instigators or perpetrators, intended to encourage, support, finance or cover up any terrorist act, method or practice.

It is worth noting that Cuba is a party to the 13 existing international conventions and protocols on terrorism. That participation is backed up by its application of a package of national regulations, laws and standards which, together with the relevant bodies, allow for compliance with Cuba's international commitments and give effect to the sovereign decision of the Cuban people to strive resolutely for the total elimination of all weapons of mass destruction.

Cuba reiterates that it does not possess, nor has it the intention of possessing, weapons of mass destruction, nor is such possession an element of our national defence strategy. Cuba has an effective, predictable and reliable system for the national implementation of its international obligations deriving from its status as a State Party to the Biological and Toxin Weapons Convention, the Chemical Weapons Convention, the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco). Pursuant to these commitments, Cuba is a member of the Organization for the Prohibition of Chemical Weapons, the International Atomic Energy Agency and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

The information documents submitted by Cuba within the framework of the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, or the reports required pursuant to Security Council resolutions 1373 (2001) and 1540 (2004), can be easily accessed online, via the website of the United Nations.

Cuba once again denounces the placement, against the will of the Cuban people and Government, of a United States naval base on the Cuban territory of Guantánamo, over which portion the Cuban State does not exercise the jurisdiction pertaining to it. Cuba does not know whether the United States has installed, possesses, maintains or intends to install nuclear materials, including weapons, in that illegally occupied territory. Cuba therefore assumes no responsibility with regard to that territory for the purposes of the international conventions.

Cuba insists on the need for the total elimination of weapons of mass destruction as the sole truly effective way to avoid their use, considering that there can be no adequate or efficacious measures to prevent the occurrence of acts of terrorism with weapons of mass destruction as long as such weapons exist.

The Governments of the United States of America and of other nuclear Powers are opposed to immediate negotiations on the total elimination of nuclear weapons. Cuba is ready to begin such negotiations without delay and its representatives have expressed this both in their national capacity and as part of the Non-Aligned Movement or the Group of 21 at the Conference on Disarmament.

Ever since the triumph of the Cuban Revolution in 1959, Cuba has been a victim of State terrorism aimed at destroying the political and social order freely chosen by the Cuban people in the full exercise of their right to self-determination. As part of those attempts, the territory of the United States of America has been constantly and systematically used to finance and organize terrorist acts against Cuba and to train the perpetrators of those acts.

Known terrorists like Luis Posada Carriles, who was responsible for the in-flight bombing of a Cubana de Aviación aircraft in 1976, killing the 73 people on board, and for the terrorist bombings of hotels in Cuba, in 1997, walk freely around cities in the United States, while five Cuban counter-terrorism fighters who sought to protect the Cuban people from the actions of those same killers remain in United States prisons.

The Government of the Republic of Cuba has repeatedly submitted copious information on these matters to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, and has never received any response to its complaints.

Cuba stresses that all terrorist acts and actions affect the life, health, property and safety of innocent people, violate the sovereignty and territorial integrity of States, jeopardize the functioning and stability of national institutions, cause serious damage to the production infrastructure and economic activity of States and further destabilize the international situation by creating new hotbeds of tension and, on occasion, triggering international conflicts.

Cuba advocates international cooperation that is truly effective in preventing and combating all terrorist acts, based on a framework of international legitimacy and full respect for the principles of international law and the purposes and principles enshrined in the Charter of the United Nations.

Hungary

[Original: English]
[26 August 2011]

Hungary wishes to underline the importance of effective national legislation to combat international terrorism and to prevent terrorists from acquiring weapons, including weapons of mass destruction.

As a State member of the European Union, Hungary applies European Council Regulation No. 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. In the national legislation, Government Decree No. 13/2011 on foreign trade in dual-use items implements and complements the European Council regulation and tightens controls in sensitive areas such as intangible technology transfers and sanctions for violations.

In line with the above and pursuant to the Hungarian Criminal Code, any person who — for a purpose related to terrorism — commits a violent crime or a crime that poses a threat to the public or involves the use of a weapon is punishable by imprisonment for a term of between 10 and 20 years or life imprisonment. Furthermore, in respect of the use of weapons of mass destruction, the Hungarian Criminal Code prohibits the following acts:

- Misuse of military items and services, and dual-use items and technology (subsections (1) to (3) of section 263/B)
- Misuse of radioactive materials (subsections (1) to (3) of section 264)
- Misuse of weapons prohibited by international conventions (subsections (1) to (3) of section 264/C)

Regarding the acquisition of weapons of mass destruction, there is no information that could give reason to conclude that any extremist group or individual present in Hungary would carry out or plan terrorist activities.

The Hungarian Counter-Terrorism Centre was established on 1 September 2010 as a national agency under the direct supervision of the Minister of the Interior. According to the relevant legislation (Act XXXIV of 1994 on the Police), the Centre is responsible for intelligence work aimed at countering terrorist organizations active in the territory of Hungary and preventing them from committing crimes, and for preventing any organization or individual from helping terrorist organizations through funding or by any other means. The Centre shall prevent, detect and intercept terrorist acts and related criminal activities.

The role played by customs administrations around the globe early in the twenty-first century with a view to creating a common space of peace, security and stability in the Euro-Atlantic area is of instrumental importance. Hence, the service-oriented approach of the National Tax and Customs Administration of Hungary is complemented by strong enforcement in order to address the problem appropriately. The customs authorities are prepared to join forces with partner agencies, both domestic and foreign, to tackle the threat posed by international terrorism. In Hungary, the customs authorities have adopted a multi-pronged approach:

- Actions to counter perils deriving from the global proliferation of weapons of mass destruction, their delivery devices and the technologies utilized to produce such weapons are founded upon the employment of strict control regimes aimed at the international arms trade and dual-use items. On the administrative side, international transportation of such items is licensed by the Hungarian Trade Licensing Office and is controlled by customs, resulting in daily cooperation between the relevant agencies. Should irregularities of any kind be detected, the right course of action is taken immediately, either from the licensing or the control side. Such action might even result in pressing criminal charges.
- The internal procedural guidelines of the customs authorities require both consignments and passengers leaving Hungary for countries with suspected links to terrorism to undergo detailed controls. Those countries are Afghanistan, Cuba, Iran (the Islamic Republic of), Iraq, Libya, the Democratic People's Republic of Korea, the Sudan and the Syrian Arab Republic.
- Cash control measures are carried out to prevent money-laundering and the financing of terrorism. Every natural person entering or leaving the European Union carrying cash amounts exceeding €10,000 must declare those amounts to the competent national authorities. In Hungary, this role is assumed by the customs authorities, which is why customs officers are permanent members of the cash control working group operating under the auspices of the European Commission.

Views of Hungary on additional relevant measures, including national measures, for tackling the global threat posed by the acquisition of weapons of mass destruction by terrorists

National measures should focus on:

1. Increasing the effectiveness of measures for the prevention of the proliferation of weapons of mass destruction.

Non-proliferation efforts aim to develop a system of cooperation between States to hinder the horizontal and vertical spread of weapons of mass destruction and their means of delivery comprising the prevention and detection of and response (deterrence and interdiction) to:

(a) Open and covert diversion of nuclear and radioactive materials, including software and technology used in weapons of mass destruction;

(b) Covert operation of the facility or its technological processes and equipment;

(c) Covert processes aimed at the production of nuclear and radioactive materials and the non-licensed operation of equipment on the site of the facility, during the application, storage and transport of nuclear and radioactive materials.

Since the detection and response objectives of non-proliferation efforts are mostly covered by international verification regimes, national measures should focus more on the prevention, deterrence and interdiction of illicit activities by strengthening:

- Accountancy for and control of nuclear materials (safeguards)
- Accountancy for and control of radioactive materials
- Export and import control of nuclear dual-use items
- Intelligence and international information exchange
- Licensing (possession, applications, packages-containers, transport, transport through borders, safeguards licensing) of nuclear items
- Enforcement
- Technical measures (intrinsic)
- Physical protection of very sensitive (e.g., nuclear) items
- Awareness-raising and outreach to stakeholders to achieve partnership and compliance
- Inter-agency cooperation and training of government administration

2. Promoting the importance of and conducting a national threat assessment and evaluation of the national design basis threat for physical protection purposes. The national threat assessment is of fundamental importance since it determines the design basis threat as a description of the attributes and characteristics of potential internal and/or external adversaries who might attempt a malicious act, against which a physical protection system for nuclear or other radioactive material or associated facilities is designed and evaluated.

3. Implementing a strong State-level safeguards system in the transfer of nuclear and nuclear dual-use items in order to:

- Ratify and implement the Comprehensive Safeguards Agreement and Additional Protocol (to achieve universal accession to those agreements internationally) and to facilitate their implementation
- Promote new facilities with "safeguards by design" in the nuclear renaissance.

4. Transparency towards international organizations in providing relevant information voluntarily where a legal basis does not exist or is under preparation, especially in the field of activities related to nuclear and nuclear dual-use items.

India

[Original: English]
[1 September 2011]

In its resolution 65/62, entitled "Measures to prevent terrorists from acquiring weapons of mass destruction", the General Assembly highlighted the concerns of the international community with regard to weapon of mass destruction-related terrorism and urged all Member States to take measures to prevent terrorists from acquiring such weapons. The international response to this threat needs to be at the national, multilateral and global levels. India expresses satisfaction at the Assembly's adoption of resolution 65/62 without a vote and supports the continued implementation of the resolution.

India recognizes that the proliferation of weapons of mass destruction and their means of delivery is a major challenge facing the international community and has supported global efforts for preventing the proliferation of weapons of mass destruction. As a victim of terrorism for over three decades, India is fully cognizant of the catastrophic dangers that transfers of weapons of mass destruction to non-State actors and terrorists could entail. Clandestine proliferation networks have led to insecurity for all and must not be allowed to reappear. The international community must join hands in eliminating the risks posed by sensitive materials and technologies falling into the hands of terrorists and non-State actors. The focus on non-State actors should in no way diminish State accountability in combating terrorism, dismantling its support infrastructure or its linkages with weapons of mass destruction.

India has taken steps to prohibit access of weapons of mass destruction to terrorists and non-State actors through measures at the national level as well as participation in international cooperation efforts. India has in place a well-established, stringent and effective export control system based on legislation, regulations and a list of sensitive materials, equipment and technologies under control that is consistent with the highest international standards. With a view to supplementing and complementing existing legislation, the Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Act was enacted in 2005. It provides an integrated and overarching legislative framework on prohibiting unlawful activities related to weapons of mass destruction, their delivery systems and related materials, equipment and technologies. In 2010, India enacted amendments to the Foreign Trade Act, 1992, to further strengthen the national export control system. India is committed to

maintaining effective national export controls and is prepared to make its contribution as a full member of the respective multilateral export control regimes.

India supports enhanced international cooperation, including through the United Nations, the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons and other relevant forums, to prevent terrorists from acquiring weapons of mass destruction. India participates in the Global Initiative to Combat Nuclear Terrorism and the Nuclear Security Summit process. We see the Nuclear Security Summit process as a means of building pragmatic and purposeful frameworks, setting benchmarks and standards and fostering confidence for international cooperation to supplement, not replace, existing multilateral institutions such as IAEA. India believes that the primary responsibility for ensuring nuclear security rests at the national level but that national responsibility must be accompanied by responsible behaviour by States. All States should scrupulously abide by their international obligations. India is setting up a global centre for nuclear energy partnership that will cooperate with IAEA and other foreign partners.

India has submitted its reports and updates to the Security Council Committee established pursuant to resolution 1540 (2004). An Indian expert participated in the work of the Committee between 2007 and 2009. India has also expressed its readiness to offer assistance to other countries in capacity-building and in fulfilling their obligations under Council resolution 1540 (2004). In April 2011, India supported the adoption of Security Council resolution 1977 (2011) on extending the mandate of the Committee for a period of 10 years.

Kazakhstan

[Original: Russian]
[7 June 2011]

Kazakhstan is party to the Treaty on the Non-Proliferation of Nuclear Weapons and is a member of the Nuclear Suppliers Group and the Zangger Committee. It meets all of its obligations as a nuclear-weapon-free State, including those provided for under the Additional Protocol.

Compliance with all export control measures helps prevent the proliferation of weapons of mass destruction (WMD). The Export Control Act is now in force in the Republic of Kazakhstan. That Act establishes the framework and procedure for implementing export control of arms, military equipment, nuclear and special non-nuclear materials, military goods, dual-use goods and technologies, raw materials, materials, equipment, technologies and scientific and technical information and services related to their manufacture and use, in the interests of international and national security and to reinforce the WMD non-proliferation regime. A control list consistent in content and form with the relevant European Union control list has been approved by decision of the Government of the Republic of Kazakhstan. The list includes goods covered under international export control regimes, including those of the Nuclear Suppliers Group, the Australia Group, the Missile Technology Control Regime and the Wassenaar Arrangement.

Lebanon

[Original: Arabic]
[6 June 2011]

Lebanon wishes to reiterate the following:

- Lebanon possesses no weapons of mass destruction and is in compliance with United Nations resolutions prohibiting the use or acquisition of such weapons by terrorists.
- Lebanon has introduced laws and regulations that allow for the monitoring of the export, transit and cross-border movement of weapons of all kinds, prohibit trafficking in such weapons and provide for the prosecution of terrorists, the harbouring of whom is forbidden under Lebanese law.
- Lebanon supports closer cooperation between States and has contributed to counter-terrorism efforts. It has put in place strict deterrent legislation concerning the surveillance and prosecution of terrorists.
- Lebanon is combating the proliferation of weapons of mass destruction and is also working to curb armament, with a view to establishing a zone free of weapons of mass destruction in the Middle East. Moreover, Lebanon denies the legitimacy of the threat or use of such weapons.
- Lebanon condemns all forms of terrorism and participates in concerted and collective international counter-terrorism efforts.
- Lebanon expresses grave concern at Israel's non-compliance with international legitimacy, which poses a threat to all countries in the region.

Mexico

[Original: Spanish]
[14 June 2011]

The Government of Mexico is developing and establishing national and international protocols for the exchange of information and better practices in the detection of special nuclear material and radioactive isotopes.

In February 2010, Mexico joined the Global Initiative to Combat Nuclear Terrorism, adopting its eight principles, and it participated in its plenary meeting, held in Abu Dhabi in June 2010.

In 2010, a series of inter-agency committees were convened to ensure the safeguarding of orphan radioactive sources and the transfer of radioactive material, in coordination with nuclear regulatory bodies.

Since Mexico joined the Global Initiative to Combat Nuclear Terrorism, different ministries have been working together to set in place action protocols for dealing with terrorism in its various forms, with priority being given to terrorism employing weapons of mass destruction.

During the first session of the Special High-level Committee on International Disarmament, Terrorism and Security, on 8 December 2010, it was agreed that Mexico would join the four international regimes on national export controls

relating to nuclear, chemical and biological weapons and their means of delivery: the Wassenaar Arrangement, the Australia Group, the Nuclear Suppliers Group and the Missile Technology Control Regime.

Inter-agency meetings are currently being held to set in place an arrangement that will enable Mexico to regulate the transit, export, trans-shipment, transfer and re-export of merchandise, products, components, pieces of equipment, technology and other materials that could contribute to the production, distribution, diversion and proliferation of weapons of mass destruction. In that regard, the Tax Administration Service is actively participating, through the General Customs Administration, in the technical working groups set up to develop the control lists.

The Office of the Attorney General of the Republic has set up a task force for emergency response to events involving chemical warfare agents and toxic industrial chemicals. This is the first institutional group of its kind that has been set up in the country and it includes federal and local government staff.

The Directorate-General for Rail and Multimodal Transport has made it known that any individual or legal entity who signs a contract for merchandise listed in the Federal Firearms and Explosives Act, the Federal Act to Control Chemical Substances Capable of Being Diverted to the Fabrication of Chemical Weapons or the Federal Act on Chemical Precursors, Essential Chemicals and Machines for the Manufacture of Capsules, Tablets and/or Pills must provide the carrier with documentation, the data sheet and operating manual for the container in question, and also demonstrate the legitimacy of the source and the destination of the goods to be transported.

Work is continuing on developing the National Risk Atlas, including a list of substances that are transported using the rail network.

The General Customs Administration, in conjunction with the United States Department of Energy, is undertaking a pivotal programme that seeks to build States' capacities to deter, detect and intercept the illegal traffic in nuclear and radioactive materials at international border crossings, including airports, internal customs checkpoints and other ports of entry and exit, through the use of specialized non-intrusive equipment, training and technical support.

The General Customs Administration is currently working on a review programme that will enable radioactive materials — whether declared or undeclared — that have been abandoned and are held in the customs yards and bonded warehouses of the country's 49 customs houses to be identified and secured, and thereby preclude any possibility that non-State actors or groups could get hold of such materials or use them to cause an incident.

These security measures form part of the standard procedures established by the international community as "best practices", to be used by countries hosting high-impact international events.

In addition, over the past year, the General Customs Administration has acquired and deployed non-intrusive inspection equipment which speeds up the customs processes and enables the detection of potential irregularities in cargo or passenger luggage that can indicate the need for a more exhaustive secondary physical inspection.

The non-intrusive technology used by the General Customs Administration includes gamma-ray, fixed and mobile X-ray and radiation detection equipment.

The General Customs Administration is also continuing to negotiate with Governments and foreign entities with regard to the acquisition or donation of non-intrusive inspection equipment, which will help boost its capacity to detect radioactive material, chemical substances and metal alloys.

In order for customs houses to be able to require documentation to prove compliance with obligations relating to non-tariff restrictions and regulations, the Tax Administration Service continuously monitors the customs tariff items of goods listed in the Federal Act to Control Chemical Substances Capable of Being Diverted to the Fabrication of Chemical Weapons.

Training and capacity-building

Mexico has carried out a crisis-management exercise for a potential terrorist attack involving biological weapons, which was held in October 2010, in the framework of its work with the Inter-American Committee against Terrorism.

The United States Department of Energy has provided training for the staff of the General Customs Administration through a course on identifying dual-use material susceptible of being used to develop weapons of mass destruction, which gave participants specialist knowledge and the necessary techniques for recognizing those strategic components used in the development of weapons programmes.

In view of the XVI Pan American Games, to be held in Guadalajara from 13 to 31 October 2011, the Special High-level Committee on International Disarmament, Terrorism and Security cooperated in and helped coordinate a number of training events in 2010 with international organizations, including the Organization for the Prohibition of Chemical Weapons and the International Atomic Energy Agency (IAEA). In addition, bilateral cooperation efforts were mounted with the United States, through the Federal Bureau of Investigation, to ensure security at large high-impact events, with an emphasis on the detection of chemical, biological, radiological, nuclear and explosive materials, in which various departments at the three levels of government participated.

In addition, Mexico, through its Strategic Facilities Coordination Group and in coordination with IAEA and the National Nuclear Safety and Safeguards Commission, held a number of training workshops on nuclear material, including, in particular, a workshop on the physical security of nuclear materials and facilities and of radioactive sources.

Portugal

[Original: English]
[15 July 2011]

Portugal assesses the risk of acquisition by terrorists of military goods, services and technology related to weapons of mass destruction with great care and on a case-by-case basis. In addition, Portugal regularly develops outreach and training activities on export controls.

Concerning the work of the Financial Action Task Force, Portugal is committed, in particular, to the development and the promotion of policies, at the national, regional and international levels, to combat money-laundering and the financing of terrorism.

Furthermore, Portugal has consistently recognized the efforts of the international community to prevent the acquisition by non-legitimate actors of weapons of mass destruction and to combat terrorism. Portugal has therefore become party to several legal instruments, including the Convention on the Physical Protection of Nuclear Material (1979), the International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999).